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BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C. 20554

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COMMUNICATIONS COMMISSION

In the Matter of )  
 )  
Replacement of Part 90 by )  
Part 88 to Revise the Private )  
Land Mobile Radio Services )  
and Modify the Policies )  
Governing Them )  
 )  
and )  
 )  
Examination of Exclusivity )  
and Frequency Assignment )  
Policies of the Private )  
Land Mobile Radio Services )

PR Docket No. 92-235

## JOINT REQUEST FOR TEMPORARY RELIEF

The International Municipal Signal Association ("IMSA"), the International Association of Fire Chiefs, Inc. ("IAFC"), the American Association of State Highway and Transportation Officials ("AASHTO") and the Forestry-Conservation Communications Association ("FCCA"), by their attorneys, hereby respectfully request that the Federal Communications Commission take immediate action to permit the coordinators of the Fire, Highway Maintenance and Forestry-Conservation Services to continue to coordinate, in their respective services, the channels formerly identified as low power offset frequencies which formerly were shared

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by the Fire, Highway Maintenance, Forestry-Conservation, Police and Local Government Radio Services. As set forth in Appendix B of the Memorandum Opinion and Order in this proceeding released on December 30, 1996,<sup>1/</sup> these channels are to be reassigned to the Local Government Service. The Joint Petitioners request temporary relief until such time as the Commission has released its service consolidation rules in this proceeding and taken necessary action to cure the "disenfranchisement" of numerous Fire and Forestry-Conservation licensees as a consequence of this service reassignment.

Joint Petitioners contemporaneously are filing a request for reconsideration addressing the premature reclassification of the low power offset channels in the Fire, Highway Maintenance and Forestry-Conservation Services. In that proceeding, AASHTO, IAFC, IMSA and FCCA identify an unintended consequence of refarming. Specifically, by reallocating to the Local Government Service the low power offset frequencies formerly assigned to the Fire, Highway Maintenance and Forestry-Conservation Services, the Commission has in effect begun the consolidation of the radio services. This both adversely affects the ability of users to access these channels and

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<sup>1/</sup> Memorandum Opinion and Order, 62 Fed. Reg. 2027 (January 15, 1997) (MO&O).

also serves to restrict the coordinators' abilities to recommend suitable channels. As to the former, the reclassification of these channels to the Local Government Service at this time will serve to disenfranchise a significant number of Fire and Forestry-Conservation licensees since there is no provision in the FCC's rules to allow non-governmental responsible agencies in the Fire and Forestry-Conservation Services to be licensed in the Local Government Service.

The Joint Petitioners request the FCC to permit coordination of new licenses for non-governmental responsible agencies in the Fire and Forestry-Conservation Services on these frequencies, subject to the freeze on license grants for full power stations. Because coordinators of the Fire and Forestry-Conservation Services are the coordinators most familiar with the needs of licensees in the Fire and Forestry-Conservation Services, coordination by their respective coordinators should be permitted.

Also, as noted above, the reassignment to the Local Government Service effectively forecloses Joint Petitioners from continuing coordination on these channels. The Joint Petitioners request the Commission to permit current coordinators to modify and coordinate new licenses for users

in the Fire, Highway Maintenance and Forestry-Conservation Services on the (former) offset channels.

The Request for Temporary Relief will not harm other private land mobile licenses because the Commission's grant of this request will serve to preserve the status quo ante. Grant of this request simply will maintain existing eligibility and access and will allow the coordinators of the Fire, Highway Maintenance and Forestry-Conservation Services to continue the coordination process for current licensees and eligible entities.

It is in the public interest to grant the request for Temporary Relief because licensees in the Fire, Highway Maintenance and Forestry-Conservation Services need reliable communications as first-responders to emergency situations in protecting life and property.

**WHEREFORE, THE PREMISES CONSIDERED,** the Joint Petitioners respectfully request that the Commission grant the Request for Temporary Relief until the Commission has adopted rules consolidating the radio services and otherwise has addressed the eligibility issue raised in the companion Petition for Partial Reconsideration.

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Respectfully submitted,


**INTERNATIONAL ASSOCIATION OF  
FIRE CHIEFS, INC.**

**INTERNATIONAL MUNICIPAL SIGNAL  
ASSOCIATION**

**AMERICAN ASSOCIATION OF STATE  
HIGHWAY AND TRANSPORTATION  
OFFICIALS**

**FORESTRY-CONSERVATION  
COMMUNICATIONS ASSOCIATION**

By:

  
Martin W. Bercovici  
Paula Deza  
KELLER AND HECKMAN LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
(202) 434-4100

Their Counsel

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